

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE PENDERGRASS, JR.,

Plaintiff,

No. CIV S-05-0728 DFL GGH P

vs.

R.C.C.C., et al.,

Defendants.

ORDER

Plaintiff is state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On March 6, 2006, the court recommended that defendant's motion to dismiss be granted based, in part, on plaintiff's failure to file an opposition. On March 16, 2006, plaintiff filed objections. Plaintiff's objections address the merits of defendant's motion.

The court will vacate the findings and recommendations and construe plaintiff's objections as his opposition. Plaintiff is informed that untimely filings in the future, absent good cause, will result in the filing being ignored. Objections after the fact are insufficient.

Accordingly, IT IS HEREBY ORDERED that:

1. The March 6, 2006, findings and recommendations are vacated;

////

////

2. Defendant's January 9, 2006, motion to dismiss is deemed submitted.

DATED: 3/28/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

ggh:kj
pen728.vac